

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 14, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL MARTINEZ-IZAZAGA (10),

Defendant.

No. 1:17-cr-02038-SMJ-10

**ORDER SANCTIONING DEFENSE
COUNSEL**

On March 13, 2019, the Court notified defense counsel Jessica Talitha Hazelton of its intent to sanction her \$1000 for failing to appear at a pretrial conference scheduled for March 12, 2019 at 8:30 AM in Yakima, Washington, and for filing a deficient continuance motion the same minute the hearing was scheduled to begin. ECF No. 799. The Court ordered Hazelton to appear for a pretrial conference on March 14, 2019 at 11:00 AM in Richland, Washington. *Id.* at 10. The Court indicated it would provide Hazelton an opportunity to show cause why sanctions should not be imposed. *Id.*

At 9:48 AM on March 14, 2019, Hazelton filed two affidavits addressing the subject of sanctions. ECF Nos. 802, 803. Hazelton arrived for the 11:00 AM pretrial conference at 11:14 AM. The hearing commenced at 11:17 AM. ECF No. 804. At

1 the hearing, the Court stated it had reviewed the affidavits Hazelton filed and did not
2 need any further argument regarding sanctions. The Court orally sanctioned
3 Hazelton in the amount of \$1000, to be paid to the Clerk's Office no later than March
4 21, 2019. This Order memorializes and supplements the Court's oral ruling, which
5 is incorporated herein.

6 As stated in the Court's March 13, 2019 order, ECF No. 799, which is also
7 incorporated herein, the Court may sanction an attorney practicing before it for
8 several reasons. Those reasons include failing to "appear at a hearing, trial, or
9 conference; complete the necessary preparations therefore," "comply with rules or
10 orders of this Court," or "conform to any of the Local Rules of this Court." LCivR
11 83.3(a), (k)(1)(B), (C); *see also* LCivR 83 (providing the Local Civil Rules apply to
12 criminal proceedings). Additionally, the Court retains the power to "impose
13 sanctions as authorized under other existing authority." LCivR 83.3(k)(2). The Court
14 has the inherent power to manage its cases and courtroom effectively and to ensure
15 obedience to its orders. *Aloe Vera of Am., Inc. v. United States*, 376 F.3d 960, 964–
16 65 (9th Cir. 2004). As a function of this power, the Court may "dismiss cases in
17 their entirety, bar witnesses, award attorney's fees and assess fines." *Id.* at 965
18 (quoting *F.J. Hanshaw Enters., Inc. v. Emerald River Dev., Inc.*, 244 F.3d 1128,
19 1136 (9th Cir. 2001)). The Court must exercise this power with "restraint and
20 discretion." *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991).

1 After reviewing the affidavits Hazelton filed, the Court is unpersuaded.
2 Consistent with its prior order, the Court finds Hazelton's conduct relating to the
3 March 12, 2019 pretrial conference is worthy of monetary sanctions and \$1000 is
4 less than or equal to the costs that the Court and the parties incurred as a result of
5 such conduct. Again, the Court does not take lightly its authority to impose monetary
6 sanctions, but it appears they are necessary in this case to remedy and deter future
7 instances of Hazelton failing to appear for critical hearings and disregarding the
8 Court's commands.

9 Accordingly, **IT IS HEREBY ORDERED:**

- 10 **1.** Defense counsel Jessica Talitha Hazelton is **SANCTIONED** in the
11 amount of **\$1000**.
- 12 **2.** Hazelton shall pay this sanction no later than **March 21, 2019**.
- 13 **3.** Hazelton may pay this sanction by either (1) a **check** made payable to
14 the U.S. District Court for the Eastern District of Washington, which
15 must be mailed to the Clerk's Office at PO Box 1493, Spokane,
16 Washington 99210; or (2) a **debit card** transaction, which must be
17 processed by calling the Clerk's Office at (509) 458-3400.

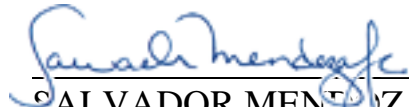
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1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
2 provide copies to all counsel.

3 **DATED** this 14th day of March 2019.

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5 SALVADOR MENDOZA, JR.
6 United States District Judge
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